

REMARKS

Claims 1-42 were pending and presented for examination and in this application. In an Office Action dated July 20, 2006, claims 1-42 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are amending claims 1, 23, 28, 29, 32, and 33 in this Amendment and Response. Applicants are canceling claims 21, 22, and 42. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding rejections, and withdraw them.

Response to Rejection Under 35 USC 102(a) in View of Sitrick

In the 2nd paragraph of the Office Action, Examiner rejects claims 1-4, 9, 10, 12-25, 27-39, 41, and 42 under 35 USC § 102(a) as allegedly being anticipated by Sitrick et al. ("Sitrick"). This rejection is now traversed.

Claim 1 has been amended to recite:

A method comprising:
receiving by an audio processing device audio/music data in a first format;
processing by the audio processing device the audio/music data; and
printing by the audio processing device the processed audio/music data to a printable tangible medium.

Claim 23 recites:

A method comprising:
receiving **by a printer** audio data in a first format, wherein the printer is a device configured to print to a printable tangible medium;
processing **by the printer** the audio data; and
outputting **by the printer** the processed audio data in a second format.

Claim 1, as amended, recites a method and apparatus for receiving, processing, and printing audio/music data by an audio processing device. Claim 23 recites a similar method for receiving, processing and outputting audio data by a printer. The claimed invention prints audio/music data to a tangible printed medium (such as paper), a form that is advantageously highly portable and easily readable.

Sitrick relates to an electronic music display system. Although Sitrick mentions printing through an external printer interfaced to a printer port of the device (Sitrick, Figure 373), the system is actually designed to replace conventional sheet music systems (Sitrick, [0006]-[0009]). The audio processing device in Sitrick contains a printer port which outputs only in electronic format and requires a separate external device (a conventional printer) to receive the electronic format and produce a paper document. Sitrick does not disclose a method for “**printing by the audio processing device** the processed audio/music data to a **tangible printable medium**”. Similarly, Sitrick does not disclose receiving, processing and outputting **audio data by a printer**. Sitrick fails to have any teaching or suggestion that the same device that does the printings or outputting can perform the processing of the audio signal. Therefore, the audio processing device in Sitrick is deficient because the device itself is not capable of directly producing audio/music data in a highly portable format, such as paper or other tangible printable medium.

Claim 29, as amended, recites an apparatus to perform the method of claims 1 and 23.

Therefore, all arguments presented above with respect to claims 1 and 23 also apply to claim 29.

The claimed apparatus comprises an output system for outputting in an electronic format and for printing to a printable tangible medium. Sitrick does not disclose or suggest an apparatus configured to both print audio/music data to a printable tangible medium and output the audio/music data to an electronic format as claimed.

Further, it would not be obvious to a person having ordinary skill in the art to incorporate the capability of printing to a tangible printable medium into the audio processing device in Sitrick. Sitrick teaches away from the claimed invention by disclosing a system that is intended to replace paper sheet music. Sitrick teaches that “the use of paper sheet music is cumbersome and inconvenient; pages often get damaged or lost, and indexed access is poor and slow.” (Sitrick, paragraph [0007]). This teaching is inconsistent with the claimed invention and would lead one of ordinary skill in a direction divergent from the claimed invention.

As to the dependent claims, because claims 2-4, 9-10, 12-20, 24-25, 27-39, and 41 are directly or indirectly dependent on claims 1, 23, and 29, all arguments advanced above with respect to claims 1, 23, and 29 are hereby incorporated so as to apply to claim 2-4, 9-10, 12-20, 24-25, 27-39 and 41.

Response to Rejection Under 35 USC 103(a) in View of Sitrick and Chantzis

In the 3rd paragraph of the Office Action, Examiner rejects claims 5-8, 26, and 40 under USC § 103(a) as allegedly being unpatentable over Sitrick in view of Chantzis et al. (“Chantzis”). This rejection is now traversed.

Claims 5-8, 26, and 40 are directly or indirectly dependent on claims 1, 23, and 29 and all remarks above with respect to Sitrick can also be applied to claims 5-8, 26, and 40. Chantzis relates

to an electronic audio-acoustic proficiency testing device. Chantzis merely mentions an output printer as part of a computer system (Chantzis, FIG 1) for printing **a report of test results**.

Chantzis does not mention or suggest printing **processed audio/music data** to a tangible printable medium. Further, Chantzis teaches away from the claimed invention by suggesting that paper-based systems are undesirable and providing a device intended to replace paper-based systems.

Both Sitrick and Chantzis share the deficiency that neither reference is capable of **“printing by the audio processing device the processed audio/music data to a tangible printable medium”**. In addition, both references fail to disclose receiving, processing, and outputting audio data **by a printer**. Both references also fail to suggest an apparatus configured to both print audio/music data to a printable tangible medium and output the audio/music data to an electronic format as claimed. Further, both references teach away from the claimed invention since Sitrick and Chantzis are intended as replacements for paper-based systems. This is inconsistent with the claimed invention which is designed for printing documents to paper or other tangible printable mediums.

Response to Rejection Under 35 USC 103(a) in View of Sitrick and Graham

In the 5th paragraph of the Office Action, Examiner rejects claims 11 under USC § 103(a) as allegedly being unpatentable over Sitrick in view of “Video Paper: A Paper-Based Interface...., Graham et al.” (“Graham”). This rejection is now traversed.

Claim 11 relates to archiving and indexing audio files by assigning bar codes to the musical segments. The present application is a continuation-in-part of several related U.S. Patent Applications filed as early as **November 19, 2001**. For example, FIG 7A-C and paragraphs [0128]-[0130] of co-pending U.S. Patent Application Serial No. 10/001,895, “(Video Paper) Paper-based Interface for Multimedia Information” discloses archiving and indexing multimedia files by

assigning bar codes to the media segments. Therefore, since Graham has a published date of **June, 2002**, it is not prior art to the present invention. Applicants assert that the rejection under USC 103(a) in view of Sitrick and Graham is improper and respectfully request that the Examiner reconsider and withdraw the rejection.

CONCLUSION

In sum, Applicants respectfully submit that claims 1-20 and 23-41, as presented herein, are patentably distinguishable over all of the art of record. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
JONATHAN J. HULL, ET AL.

Dated: September 1, 2006

By: Greg T. Sueoka/
Greg T. Sueoka, Reg. No.: 33,800
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7194
Fax: (650) 938-5200